

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WILIBALDO MORA,

Petitioner,

v.

WARDEN FNU ROSALEZ,

Respondent.

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1:22-CV-1156-DII

ORDER

Before the Court is Petitioner Wilibaldo Mora's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, (Dkt. 1). The case was referred to United States Magistrate Judge Susan Hightower for findings and recommendations pursuant to 28 U.S.C. § 636(b). Judge Hightower filed the report and recommendation on April 5, 2023. (Dkt. 10). In the report and recommendation, Judge Hightower recommends that the Court dismiss without prejudice Mora's Petition for Writ of Habeas Corpus for failure to exhaust his administrative remedies. (*Id.* at 5). Mora received the report and recommendation no later than April 12, 2023. (Dkt. 12). As of the date of this order, Mora has not filed any objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 10), is **ADOPTED. IT IS ORDERED** that Mora's Petition for Writ of Habeas Corpus, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.

SIGNED on May 23, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE